



Entered on Docket
October 27, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,
USA CAPITAL REALTY ADVISORS, LLC,¹
USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,
USA CAPITAL FIRST TRUST DEED FUND, LLC,²
USA SECURITIES, LLC,³
Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING THIRD OMNIBUS
OBJECTION OF USACM LIQUIDATING
TRUST TO DOUBLE COUNTED
CLAIMS**

Hearing Date: October 19, 2009
Hearing Time: 3:00 p.m.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Third Omnibus Objection of USACM
2 Liquidating Trust to Double Counted Claims; and Certificate of Service” [DE 7498] (the
3 “Objection”); the Court having heard the Objection on October 19, 2009; appropriate
4 notice of the Objection having been given; no response to the Objection having been filed;
5 and good cause appearing:

6 **IT IS ORDERED** that:

7 1. The Objection [DE 7498] is sustained; and

8 2. The claims listed on **Exhibit A** are disallowed in the amounts shown there.

9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**

11 By /s/ John Hinderaker (018024)

12 Rob Charles

13 John Hinderaker (*pro hac vice*)

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18 *Attorneys for USACM Liquidating Trust*

19 Launch Microsoft Office Outlook.Ink

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ JH (#018024)
 Rob Charles
 John Hinderaker (*pro hac vice*)
Attorneys for USACM Liquidating Trust

USACM

Exhibit A
Proofs of Claim Asserting Duplicate Amounts

Name	Address	Claim #	Total Amount of Claim as Listed in Claim Register	Claim Amount Subject To Objection as a Duplicative Amount
CAROL MORTENSEN FAMILY TRUST DTD 9/9/90	C/O CAROL MORTENSEN TRUSTEE 4847 DAMON CIR SALT LAKE CITY UT 84117-5854	10725-02052	57,865.16	28,932.58
CAROL MORTENSEN FAMILY TRUST DTD 9/9/90	C/O CAROL MORTENSEN TTEE 4847 DAMON CIR SALT LAKE CITY UT 84117	10725-02051	345,750.98	172,875.49
CASEBOLT REVOCABLE TRUST DTD 2/30/94	JOSEPHINE CASEBOLT TTEE 201 ADA AVE APT 46 MOUNTAIN VIEW CA 94043-4943	10725-02146	252,188.76	126,094.38
CHARLES B DUNN IV TRUST DTD 8/12/05	C/O CHARLES B DUNN IV TRUSTEE 17042 NORLENE WAY GRASS VALLEY CA 95949-7161	10725-02113	690,996.08	345,498.04
CHARLES HENRY SMALL REVOCABLE LIVING TRUST	CHARLES H SMALL TTEE 12450 E 38 TH PLACE YUMA AZ 85367	10725-01973	272,896.04	136,448.02
CHARLES R & JEAN MARADEN FAM TR DTD 12/16/03	CHARLES & JEAN MARADEN TTEES 12585 CREEK CREST DR RENO NV 89511	10725-02060	202,622.46	101,311.23
CIBB INC PENSION PLAN	RONALD A JOHNSON TTEE 50 SNIDER WAY SPARKS NV 89431	10725-02261	405,600.00	202,800.00
CLARK, ROSANNE L	2350 HIGH TERRANCE DR RENO NV 89509	10725-02290	305,494.48	152,747.24
COLBORN REVOCABLE LIVING TRUST DTD 8/6/90	LARRY E & LORETTA A COLBORN TTEES 1127 BROKEN WAGON TRAIL DEWEY AZ 86327	10725-02190	488,408.12	244,204.06
COLLINS FAMILY TRUST DATED 1/29/93	C/O SHIRLEY M COLLINS TRUSTEE 1975 SNOWBERRY CT CARLSBAD CA 92009-8408	10725-02038	1,760,380.48	880,190.24